

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BRANDON STRAKA, WALKAWAY
CAMPAIGN PAC, AND WALKAWAY
FOUNDATION

Plaintiffs,

vs.

DAVID S. CLEMENT,
@BRAWNDOSNITCHKA, @
CHICHIVISION18, @MIKECLOVER7,
@STONEPGH,
@THATSOEVERWALK,
@HIGHENANONTOO, @TOOKEJK,
@ZIBTARA a/k/a MIRANDA DEW

Defendants.

CASE NO. 8:24-CV-00024-JFB-SMB

**DECLARATION OF
DANIEL GUTMAN**

I, Daniel Gutman, state and declare as follows:

1. I am over 21 years of age, suffer from no physical or mental impairment, and make this declaration on my personal knowledge.
2. I am an attorney representing Defendant Miranda Dew. I submit this Declaration in support of Dew's Motion to Dismiss.
3. Attached as Exhibit A is a true and correct copy of the docket from Plaintiff Brandon Straka's criminal case in Douglas County, *State v. Brandon Straka*, CR 98-25307.
4. Attached as Exhibit B is a true and correct copy of the Criminal Complaint and FBI Affidavit filed in Plaintiff Brandon Straka's criminal case in the Federal District Court for the District of Columbia, *U.S. v. Straka*, No. 1:21-CR-579-DLF (D.D.C) [Dkt. No. 1].

5. Attached as Exhibit C is a true and correct copy of the Plea Agreement filed in Plaintiff Straka's criminal case in the Federal District Court for the District of Columbia, *U.S. v. Straka*, No. 1:21-CR-579-DLF (D.D.C) [Dkt. No. 25].

6. Attached as Exhibit D is a true and correct copy of the Statement of Offense filed in Plaintiff Straka's criminal case in the Federal District Court for the District of Columbia, *U.S. v. Straka*, No. 1:21-CR-579-DLF (D.D.C) [Dkt. No. 26].

7. Attached as Exhibit E is a true and correct copy of the Motion for Leave to File Sentencing-Related Pleading under Seal, the court's Order, and the Government's Supplement to the Sentencing Memorandum from Plaintiff Straka's criminal case in the Federal District Court for the District of Columbia, *U.S. v. Straka*, No. 1:21-CR-579-DLF (D.D.C) [Dkt. No. 37 & 37-1]. These documents are linked to an article published by NPR after they were inadvertently released by the Court (Tom Dreisbach, *A Judge Unleashed a Tirade on a Prominent Jan. 6 Defendant for his Post-Plea Comments* (Aug. 4, 2022) <https://www.npr.org/2022/08/04/1115531903/a-judge-unleashed-a-tirade-on-a-prominent-jan-6-defendant-for-his-post-plea-comme>) and publicly available at https://www.documentcloud.org/documents/22126434-straka-dkt-37-mot-to-seal-sentencing-pleadings-dmfirm_4042398461.

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 18, 2024.

A handwritten signature in cursive script that reads "Daniel Gutman". The signature is written in dark ink and is positioned above the printed name.

Daniel Gutman